

in prior years. EPISD also had no reason to believe that the level of detail in its Form 470 was problematic due to the SLD's approval of a similar one for EPISD in Funding Year 2001. Moreover, EPISD believes that the SLD has approved, during each funding year, funding IC/IA Form 471s by districts who used similar levels of description and used similar pricing models.

It cannot be emphasized enough that, unlike other districts nationwide [except EPISD] to EPISD's knowledge, EPISD insisted upon and obtain the Special Procurement Provisions in the 2002 Contract, and also provided for a variety of other conditions placing extra requirements on IBM. The Special Procurement Provisions, and the additional continuing review of pricing and other issues, were intended and designed to ensure the most "bang for the buck", with respect to EPISD's own funds and thus the Program funds as well. EPISD went the "extra mile" in trying to protect itself and the Program from any excessive pricing. EPISD went to great effort to compare IBM's pricing to other vendors and to that approved by the SLD to another local district where IBM was the service provider, and to review and evaluate that the IBM pricing in light of its own experience and expertise in pricing. EPISD was in charge of the process of determining the scope of the Projects and in determining agreed-upon pricing for those Projects, not IBM. Many other districts who did not make any such effort have received Program funding. EPISD should not be penalized for taking these extra steps. EPISD, not IBM, controlled the process here and EPISD insisted upon and received numerous conditions and restrictions upon IBM.

EPISD is a poor district with many poor students, and each have many needs, especially in the technology area. Currently, 68% of EPISD's students are eligible for "free and reduced lunches" under federal law, though many of its schools have a much higher proportion. The 2000 Profile of Selected Economic Characteristics issued by the United States Census Bureau estimates the per capita income for 1999 in the El Paso, Texas area at \$14,388 per year. For comparison, according to the same survey, the annual per capita income for 1999 in the United States was \$21,587, for the State of Texas was \$19,617, and for the Washington D.C. area was \$28,659. As one can readily see, EPISD students are extremely poor, and in great need of the benefits from the Projects to be completed using Program funding.

EPISD believes that the SLD is essentially "changing the rules" at the last-minute, and thereby depriving its needy and deserving students from a fair opportunity to learn and attempt to escape the poverty and circumstances in which so many have been born and raised. After substantial review and investigation, EPISD believes that the scope and pricing for the IC/IA Projects are fair and reasonable, and EPISD will continue such review even if funding is granted.

The Decisions themselves [particularly in light of many similar denials and decisions with other districts nationwide] imply, without presenting evidence, that IBM may have acted improperly with respect to various districts participating in the Program. In considering this Request for Review, however, the Commission should review the unique and specific EPISD-based facts, and not to infer inappropriate conduct to EPISD based upon alleged conduct that is irrelevant to this appeal. EPISD believes that it complied with all Program rules, and that IBM

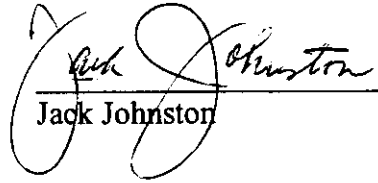
did likewise with respect to its dealings with EPISD. In the unlikely event the Commission nevertheless believes that IBM has acted improperly under Program rules, the Commission should not penalize EPISD by denying the IC/IA Form 471. To be clear, EPISD does not believe that IBM acted improperly with respect to EPISD's own participation in the Program, and notes that IBM categorically denies any improper conduct whatsoever with respect to the Program, including conduct relating to other districts.

Based upon the foregoing, additionally and in the alternative, the Decisions are erroneous, and the Commission should reverse each of the Decisions and award full funding to EPISD under the IC/IA Form 471 and Telco Form 471, at least consistent with the funding levels granted to other recipients with a similar "free and reduced lunch" proportion of their school populace.

EPISD greatly appreciates the funding it has received in the past from the Program, and believes that such funding has been significantly assisted EPISD in trying to provide technology resources to its students, on average some of the neediest in the entire country. EPISD acknowledges that it received a substantial award of Program funding for Funding Year 2001, and could not necessarily expect a similar award the following year; indeed, EPISD reduced its funding request by about \$20 million for Funding Year 2002.

It is therefore with reluctance that EPISD even brings this Request for Review. EPISD does not believe that it violated any Program requirements, and certainly did not intend to do so. Nevertheless, due to the erroneous Decisions of the SLD, and the resulting harm to EPISD and its students, this Request for Review is made.


Further affiant sayeth not."



Jack Johnston

SUBSCRIBED TO AND SWORN TO before me on this 1st day of May,
2003, to certify which witness my hand and seal.





Notary Public in and for the
State of Texas

**Schools and Libraries Universal Service
Description of Services Requested and Certification Form**

Estimated Average Burden Hours Per Response: 4 hours

**Instructions for Completing the
Schools and Libraries Universal Service
Description of Services Requested and Certification Form (FCC Form 470)**

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NOTICE

Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries requesting universal service discounts to file—individually, or as a district or system, or as a consortium—this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, which is the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). 47 C.F.R. § 54.504. For purposes of this form, the universal service administrator will be referred to as the “SLD” or “Fund Administrator.” The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data collected in Form 470 will be used to ensure that schools and libraries and any consortia they comprise comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of any statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the processing of your application may be delayed or your application may be returned to you without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.* An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Public reporting burden for this collection of information is estimated to average four hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management Branch, Washington, DC 20554.

I. INTRODUCTION

- The purpose of the FCC Form 470 is to open a competitive bidding process for the services desired.
- An applicant cannot seek discounts for services in a category of service on the Form 471 if those services in those categories were not indicated on a Form 470.
- The Form 470 MUST be completed by the entity that will negotiate with potential service providers.
- The Form 470 cannot be completed by a service provider who will participate in the competitive process as a bidder. If a service provider is involved in preparing the Form 470 and that service provider appears on the associated Form 471, this will taint the competitive process and lead to denial of funding requests that rely on that Form 470.
- The Form 470 applicant is responsible for ensuring an open, fair competitive process and selecting the most cost-effective provider of the desired services.
- Applicants should save all competing bids for services to be able to demonstrate that the bid they chose is the most cost-effective, with price being the primary consideration.

On May 7, 1997, the Commission adopted rules providing discounts on eligible telecommunications services, Internet access, and internal connections, for eligible schools and libraries. To initiate the required competitive bidding process, begin by filing this form with the Schools and Libraries Division (SLD). The SLD will post this information on the SLD's web site for at least 28 days to fulfill the competitive bidding requirement. Contracts for newly contracted services or the selection of service providers for tariffed or month-to-month services cannot occur earlier than 28 days after the descriptions set forth in the relevant Form 470 posted on the SLD web site < www.sl.universalservice.org >. The SLD will notify the applicant of the date that the applicant's request is posted and the date on which the 28-day waiting period ends. Those with questions about this form may call the SLD's Client Service Bureau toll-free at 1-888-203-8100.

II. FILING REQUIREMENTS AND GENERAL INSTRUCTIONS

A. Who Must File

Schools and libraries requesting universal service discounts must seek competitive bids using Form 470. The entity that will negotiate with potential service providers should complete Form 470. The Form 470 cannot be completed by a service provider who will participate in the competitive process as a bidder.

For purposes of the universal service support mechanism, schools must meet the statutory definition of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. § 8801(14) and (26). An elementary school is a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. 47 C.F.R. § 54.500(b) and 20 U.S.C. § 8801(14). A secondary school is a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under state law, except that such term does not include any education beyond grade 12. 47 C.F.R. § 54.500(j) and 20 U.S.C. § 8801(26). Schools operating as for-profit businesses or who have endowments exceeding \$50 million are not eligible. 47 C.F.R. § 54.501(b)(2) and (b)(3).

Libraries must meet the statutory definition of library or library consortium found in the Library Services and Technology Act, Pub. L. No. 104-208, sec. 211 *et seq.*, 110 Stat. 3009 (1996) (LSTA) and must be eligible for assistance from a state library administrative agency under that Act. A library includes: "(1) a public library; (2) a public elementary school or secondary school library; (3) an academic library; (4) a research library, which for the purposes of this definition means a library that: (i) makes publicly available library services and material suitable for scholarly research and not otherwise available to the public; and (ii) is not an integral part of an institution of higher education; and (5) a private library, but only if the state in which such private library is located determines that the library should be considered a library for purposes of this definition." 47 C.F.R. § 54.500(c). A library's eligibility for universal service funding also depends on its funding as an independent entity. **Only libraries whose budgets are completely separate from any schools (including, but not limited to, elementary and secondary schools, colleges and universities) shall be eligible to receive discounted services under the universal**

service support mechanism. 47 C.F.R. § 54.501(c)(2). For example, an elementary school library would only be eligible to receive discounted services if its budget were completely separate from the elementary school. If its budget were not completely separate from the elementary school, the elementary school library would not be eligible for support independent from the school with which it is associated.

A library consortium is "any local, statewide, regional, or interstate cooperative association of libraries that provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improving services to the clientele of such libraries." 47 C.F.R. § 54.500(d).

Libraries operating as for-profit business shall not be eligible for discounts. 47 C.F.R. § 54.501(c)(3).

B. When, Where, and How Many Forms 470 to File

Beginning with the application process for Funding Year 2000 (July 1, 2000 through June 30, 2001), you are required to file Form 470 in the current application period only if you are applying for discounts for one of the following types of services:

- tariffed services (telecommunications services purchased at regulated rates) for which you do not have a signed, written contract (a Form 470 must be filed for these services each year);
- month-to-month Internet access, cellular services, or paging services for which you do not have a written contract but for which your standard monthly bills are proof of a binding, legal arrangement (a Form 470 must be filed for these services each year);
- any services for which you seek a new contract; or
- any multi-year contract signed on or before July 10, 1997, but for which you have not before filed a Form 470 in any previous program year.

Notice will be posted each year on the SLD web site <www.sl.universalservice.org> when we will begin accepting Forms 470 for posting. This notice will be posted at least 12 months before the start of the appropriate funding year. The precise timeframe for filing Form 470 depends on the kind of service you are seeking:

- For tariffed telecommunications services or month-to-month services, Form 470 must be filed at least 28 days before you file Form 471.
- For contract services for which you are seeking a new contract for the coming funding year, you may file Form 470 after the SLD posts the above notice whenever you wish to begin your procurement process, as long as it is at least 28 days before you file Form 471.
- For a contract signed on or before July 10, 1997, for which no Form 470 has ever been filed, you must file a Form 470 at least 28 days before you file Form 471.
- For multi-year contracts signed pursuant to the posting of a Form 470 in a previous funding year, you will not need to file a new Form 470 for the upcoming funding year. Your 28 days began with the date of your original Form 470 posting.

Services that are covered by a **qualified existing contract** for all or part of the funding year do not require filing of Form 470, since you are not seeking bids for these services. A qualified existing contract is:

- a signed, written contract executed pursuant to the posting of a Form 470 in a previous funding year, OR
- a contract signed on or before July 10, 1997 and reported on a Form 470 in a previous year as an existing contract.

If you are seeking support for eligible services not covered by a qualified, existing contract, you must file Form 470 either electronically at the SLD web site, <www.sl.universalservice.org>, or at the address listed at the bottom of the form (SLD-Form 470, P.O. Box 7026, Lawrence, Kansas 66046-7026). For express delivery or U.S. Postal Service Return Receipt Requested, send to: SLD-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046, phone (888) 203-8100. **DO NOT FILE THIS OR ANY OTHER UNIVERSAL SERVICE FORM WITH THE FEDERAL COMMUNICATIONS COMMISSION.**

You may file one Form 470 for all of the services for which you are required to file Form 470, or you may file separate Forms 470 for each type of service. Also, an individual school or library may be covered by more than one Form 470 filed by different consortia for different services.

Once you file your Form 470, it is posted to the SLD web site for competitive bidding. Your form must be posted for at least 28 days on the SLD web site before you can sign a contract or enter into an agreement for services. After you sign a contract or enter into an agreement, you (or the billed entities you represent) can initiate the next step in the application process, the filing of FCC Form 471. Upon processing or posting of the Form 470, the SLD will notify you of the date upon which you may sign a contract or enter into an agreement for new services or file Form 471. 47 C.F.R. §54.504(b)(4). This date will be referred to as the "Allowable Vendor Selection/Contract Date."

C. Assistance in Completing This Form

There are several sources of assistance to guide you in completing this form. If you complete this form electronically on the SLD web site <www.sl.universalservice.org>, prompts may occur to assist you as you enter information. Whether you file electronically or on paper, you are also urged to consult the Reference Area of the SLD web site, <www.sl.universalservice.org>, for additional program guidance that may be useful in completing this form. . Further information is also available from the SLD Client Service Bureau via toll-free telephone at 1-888-203-8100; via e-mail at question@universalservice.org; or via fax at 1-888-276-8736.

D. Compliance

Schools and libraries filing false information are subject to penalties for false statements under Title 18 of the United States Code, 18 U.S.C. § 1001. Applicants should retain the worksheets and other records they use to compile these forms for five years. Thus, if applicants represent multiple entities, collect data from those entities, and add up that data, they should retain those data sheets for five years. If an applicant is audited, it should be prepared to make the worksheets and other records used to compile these forms available to the auditor and/or the Administrator, and it should be able to demonstrate to the auditor and/or Administrator how the entries in its application were provided.

III. MINIMUM PROCESSING STANDARDS AND FILING REQUIREMENT

Form 470 Minimum Processing Standards

When a Form 470 is received by the SLD, the form is first reviewed to make sure it complies with the following requirements before data entry begins. These minimum processing requirements are necessary in order to ensure the timely and efficient processing of properly completed applications. If a Form 470 fails to meet these requirements, the Form 470 will be rejected. The SLD may be prevented from returning the rejected Form 470 to the sender if the form lacks essential identifying information. If an applicant receives a returned Form 470, it is important that it resubmit the corrected form quickly. Once the corrected form is successfully data entered, the form will be posted to the SLD web site. The posting of the form to the SLD web site marks the beginning of the required 28-day waiting period.

Manual Filers

1. Correct Form: Each Form 470 must be:

- the correct, OMB-approved FCC Form 470, with a date of September 1999 or later in the lower right hand corner;
- submitted by regular mail, express delivery, or U.S. Postal Service Return Receipt Requested, or hand delivery. Forms may not be submitted by fax or e-mail. You are advised to keep proof of the date of mailing.

2. Applicant Address and Identifications: In Block 1, each of the following items must be properly completed:

- Item (1) or (3) Either the Name of the Applicant or the Entity Number;
- Item (2) Funding Year
- Item (6a) Contact Person Name

If any of these items is blank, and the information cannot be obtained from the page headers, the Form 470 will be rejected.

3. Complete Submission of Form 470: All 5 blocks of the Form 470 must be submitted. If any Block (1-5) is missing, the form will be rejected.

4. Valid Certification: Block 5, Item (25) Signature of authorized person must be completed. If Item (25) is left blank, the Form 470 will be rejected.

Online Filers:

When Blocks 1-4 of a Form 470 are submitted electronically, the applicant must also (1) submit the completed Block 5 certification online with a User ID and a PIN or (2) submit the completed and signed Block 5 certification manually by mail, express delivery or U.S. Postal Service Return Receipt Requested. If the Block 5 certification is submitted manually, you are advised to keep proof of the date of mailing. The Block 5 certification is reviewed to make sure it complies with the requirements listed in #4 above. Reviewers also look for the Form 470 Application Number before the Certification and Signature Page is accepted and the Form 470 reaches "certified" status. If the Block 5 certification document lacks the information necessary to match your manually submitted certification with the electronically filed Blocks 1-4 of the form, then your application will not meet the application filing requirements.

Filing Requirement for Forms 470 Submitted Manually and Online

It is vital to assure that a completed Form 470 Certification is filed in a timely fashion. A completed Form 470 Certification is a Block 5 certification submitted online using a User ID and a PIN or a Block 5 certification with the signature of the authorized person. Forms 470 with completed certifications submitted in a previous year meet this requirement, as do those filed for the current funding year either online by the close of the Form 471 application filing window or with a postmark date no later than the close of the Form 471 application filing window. Any Form 471 Block 5 funding request based on a Form 470 whose certification has not been received or postmarked by 11:59 p.m. EST on the close of the Form 471 application filing window will be rejected.

IV. SPECIFIC INSTRUCTIONS

You are encouraged to complete, submit, and certify this Form electronically at <www.sl.universalservice.org>. If you file manually, the Form 470 can be downloaded from the SLD web site. If you file paper copies of the application, please type or clearly print in the spaces provided and attach additional pages if necessary and when required. Instructions for completing each Block and Item of the Form 470 can also be downloaded from the SLD web site. No Forms 470 will be accepted if sent via e-mail or fax.

A. Top of Form

The data at the top of Form 470 will help both you and the SLD identify each particular Form 470 you file.

“Do Not Write In This Area”—The SLD uses this space to apply a barcode to your form upon receipt, so that we can properly track and archive your form.

Applicant's Form Identifier—If you are filing more than one Form 470, please use this space to assign a unique number or letter of your own devising to facilitate communication with us about THIS particular Form 470. This Applicant's Form Identifier can be very simple; for example, if you are filing three Forms 470, you might label them “A,” “B,” and “C.” The Applicant's Form Identifier can also be descriptive, such as “School Internet.” Choose identifiers that suit your own record-keeping needs.

Form 470 Application Number—The SLD will assign and insert your Form 470 Application Number. Leave this item blank.

Top of each page after page 1: If you are filing this application manually, to help alleviate problems caused if the pages of an application become separated, please provide the Entity Number (from Item 3, below), your Applicant's Form Identifier, and name and phone number of the contact person (from Item 6, below) at the top of each page of the application in the space provided. If you are filing electronically, this information will automatically appear at the top of each page.

B. Block 1: Applicant Address and Identifications

Block 1 of Form 470 asks you for your address and basic identifications. Throughout this form, “you” refers to “the applicant” – a school or library, or an entity filing on behalf of schools and libraries. The Form 470 cannot be completed by a service provider who will participate in the competitive process as a bidder.

Item (1) – Provide the name of the Applicant. You may be an individual school, a school district, a library (outlet/branch, system) or a consortium of those entities. You may also be a city, a state, or an entity created solely to participate in this universal service discount mechanism.

Item (2) – Funding years begin on July 1 and end on June 30 each year. For example, Funding Year 2003 runs from July 1, 2003 to June 30, 2004. Provide the funding year for which you are applying for funds by filling in the appropriate year in the blanks provided (e.g., July 1, 2003 through June 30, 2004).

Item (3) – Your Entity Number is a unique number assigned to your organization or institution by the SLD as a means of identifying you every time you file an application or otherwise communicate with us. If you have applied for universal service funds in previous years, or have

been identified in an application filed on your behalf, you have already been assigned an Entity Number. If you do not have a record of your Entity Number, or if you have never been assigned such a number, please call the SLD Client Service Bureau at 1-888-203-8100.

Item (4)(a)-(4)(d) – Provide your full mailing address, whether a street address, Post Office Box number, or route number. You are strongly encouraged to provide a street address rather than a Post Office Box if possible, as the Fund Administrator may need to contact you via overnight or express delivery. In addition, please provide your telephone number (with area code and extension), fax number (including area code), and e-mail address (if you have one).

Item (5) – Check the one box that best describes the type of application you are filing. If you are filing as a library (outlet/branch, system, or library consortium applying as a library), you should check the first box. If you are filing as an individual school, you should check the second box. If you are filing as a school district, you should check the third box. If you are filing as a consortium, you should check the fourth box. (You may be a consortium of schools, libraries, or some combination of the above which may or may not include ineligible entities.)

Item (6)(a) – Provide the name of the person who should be contacted with questions about this application. This person should be able to answer questions regarding the information included on this form and the services you request, including how to obtain a copy of your request for proposal (RFP), if you have prepared one.

Item (6)(b)-(6)(e) – If the contact person's address, phone number, fax number, or e-mail address is different from those specified for the applicant (completed in Item (4)), please provide that information here. You **MUST** then check the preferred mode of contact. Wherever possible, the SLD will use this mode to contact you.

C. Block 2: Summary Description of Needs or Services Requested

Block 2 of Form 470 asks you to describe the services you desire.

Item (7) – Specify here the kind(s) of services requested in this Form 470. You may check one or more of these choices, depending on the range of services you will be including on one Form 470.

Item (7)(a) – Check this box if this Form 470 requests services which are tariffed (telecommunications services for which you do not have a signed, written contract). These services require posting of a Form 470 for each funding year.

Item (7)(b) – Check this box if this Form 470 requests Internet access, cellular service, or paging services provided on a month-to-month basis without a written contract. These services require posting of a Form 470 for each funding year.

Item (7)(c) – Check this box if this Form 470 seeks new services for which you wish to sign a new contract. You may file a Form 470 for a new contract after notice is posted on the SLD web site that the SLD will begin accepting Forms 470 for the appropriate funding year for posting.

Item (7)(d) – Check this box if this Form 470 describes services provided under a multi-year contract that was signed on or before July 10, 1997 but that was never featured on a Form 470 in previous program years. For example, if you are applying for the E-rate for the very first time for Funding Year 2003 (07/01/2003–06/30/2004), and some or all of your services are provided under a written 10-year contract which was signed on July 1, 1997, you will need to file a Form 470 for this contract. In future years, for as long as that contract remains in force, you will not need to file a Form 470 for those services. There is no required timeframe for filing a Form 470 for this purpose, but your form must be posted for at least 28 days on the SLD web site before you can file a Form 471 online.

Items (8)–(10) – One or more of Items (8)–(10) must be completed to provide potential bidders with particular information about the services you are seeking. For more information on eligible services, please refer to the Eligible Services List on the SLD web site <www.sl.universalservice.org> or call the SLD Client Service Bureau toll-free at 1-888-203-8100. Once you check the relevant category of service box(es) in Items (8), (9), and/or (10), you must check either box (a) or (b) under the selected item and complete the item. You cannot seek discounts on services in a category of service on the Form 471 if you have not competitively bid those services in the same category of service on the Form 470.

The specific data requested in Items (8)–(10) are sought to provide potential service providers with information so that they may contact you if necessary for detailed information on your specific requirements. **This requirement is not intended to restrict your ability to contract for newly contracted services or enter into agreements for tariffed or month-to-month services for whatever technologies best meet your educational purposes as authorized by FCC rules and the Telecommunications Act of 1996.** It is important that you complete all categories that are relevant to your requested services, so that the Fund Administrator can confirm that you have met the competitive bidding requirement before signing any contracts for newly contracted services or entering into agreements for tariffed or month-to-month services for which discounts are requested in FCC Form 471.

Item (8) – Check this box if you are seeking telecommunications services to be provided by one or more telecommunications services providers. Important note: Only telecommunications services requested from telecommunications companies who provide their telecommunications services on a common carriage basis (meaning they provide their services for a fee to the general public) will be eligible for discount(s) under the universal service support mechanism. If you request telecommunications services from a telecommunications provider that does not provide telecommunications services on a common carriage basis, your Form 471 Funding Request for such services will be denied. Telecommunications is “the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.” 47 U.S.C. § 153(43) and 47 C.F.R. § 54.5. All commercially available

telecommunications services, including charges such as state and federal taxes, are eligible for support under the universal service discount mechanism. For example, local and long distance telephone services are generally considered telecommunications services. As another example, high-speed transmission lines over the public switched telecommunications network leased from an eligible telecommunications provider would be listed here as a telecommunications service. See the Eligible Services List on the SLD web site <www.sl.universalservice.org> for more information.

Item (8)(a) – Check this box if you have a Request for Proposal (RFP) that will provide potential bidders with specific information about the particular telecommunications services or functions you are seeking, and what quantity and/or capacity you seek. For example, you might have an RFP for voice services that specifies “local and long distance voice services sought for 20 existing phone lines, plus 10 new additional lines.” If you check (8)(a), you must indicate where this RFP is available, such as on your web site (list the web address); via the Contact Person listed in Item (6); and/or via the alternative contact person listed in Item (11). If the RFP is not posted on a web site, your designated contact person must be able to provide it to service providers on request as of the date that your Form 470 is posted.

Item (8)(b) – Check this box if you do NOT have a Request for Proposal (RFP) for the telecommunications services you seek. If you check (8)(b), you must fill in details in the space provided about the specific telecommunications services or functions and quantity and/or capacity of service. For example, you might list “videoconferencing services” under Service or Function, and “for three school buildings” under Quantity and/or Capacity.

Item (9) – Check this box if you are seeking Internet access services. Basic conduit non-content access to the Internet is eligible for support under the universal service discount program. See the Eligible Services List on the SLD web site <www.sl.universalservice.org> for more information.

Please note that while schools and libraries may obtain universal service discounts on access to the Internet, discounts are not available on the separate charges for particular proprietary content or other information services or on a bundled package of access and content, unless the bundled package includes minimal content and provides a more cost-effective means of securing access to the Internet than other non-content alternatives.

Item (9)(a) – Check this box if you have a Request for Proposal (RFP) that will provide potential bidders with specific information about the particular Internet access services or functions you are seeking, and what quantity and/or capacity you seek. For example, you might have an RFP for Internet access that specifies “high-speed direct access to the Internet sought for 10 public Internet stations in one library facility.” If you check (9)(a), you must indicate where this RFP is available, such as on your web site (list the web address); via the contact person listed in Item (6); and/or via the alternative contact person listed in Item (11). If the RFP is not posted on a web site, your designated contact person must be able to provide it to service providers on request as of the date that your Form 470 is posted.

Item (9)(b) – Check this box if you do NOT have a Request for Proposal (RFP) for the Internet access services you seek. If you check (9)(b), you must fill in details in the space provided about the specific Internet access services or functions and quantity and/or capacity of service. For example, you might list “monthly Internet service” under Service or Function, and “for 500 student users” under Quantity and/or Capacity.

Item (10) – Check this box if you are seeking internal connections services. A given service is generally eligible for support under the universal service discount mechanism as a component of internal connections if it “is necessary to transport information within one or more instructional buildings of a single school campus or within one or more non-administrative buildings that comprise a single library branch.” 47 C.F.R. § 54.506. See the Eligible Services List on the SLD web site <www.sl.universalservice.org> for more information.

Item (10)(a) – Check this box if you have a Request for Proposal (RFP) that will provide potential bidders with specific information about the particular internal connections services or functions you are seeking, and what quantity and/or capacity you seek. For example, you might have an RFP for internal connections that specifies “local area network to connect 30 classrooms.” If you check (10)(a), you must indicate where the RFP is available, such as on your web site (list the web address); via the contact person listed in Item (6); and/or via the alternative contact person listed in Item (11). If the RFP is not posted on a web site, your designated contact person must be able to provide it to service providers on request as of the date that your Form 470 is posted.

Item (10)(b) – Check this box if you do NOT have a Request for Proposal (RFP) for the internal connections services you seek. If you check (10)(b), you must fill in details in the space provided about the specific internal connections services or functions and quantity and/or capacity of service. For example, you might list “Private Branch Exchange equipment” under Service or Function, and “for each of 10 outlets in library system” under Quantity and/or Capacity.

Item (11) – (Optional) Provide the name and contact information of the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item (6) nor the authorized person identified in Item (27).

Item (12) – Indicate whether you are subject to any state or local restrictions regarding how and when you may be contacted by potential providers and what bidding procedures they must follow. For example, state bidding requirements might prohibit contacts between bidders and buyers between the time an official RFP is issued and when bids are due, or they may allow only written contacts. Applicants must also comply with any applicable state or local requirements when participating in the competitive bidding process used in the universal service discount mechanism. If you are subject to any state or local restrictions, you must check the box in Item (12) and provide a description of the restrictions or procedures. Alternatively, you may list a web site address where state or local restrictions can be found and the name and telephone number for a contact person who can provide the state or local restrictions and the applicable bidding procedures to service providers without Internet access.

Item (13) – You may provide information on your plans to purchase additional services in future years if you wish to encourage service providers to contact you even when you may not represent a financially attractive customer in the near term, but you may represent a financially attractive customer over a longer period of time. Providing this information is optional.

D. Block 3: Technology Assessment

Block 3 of Form 470 asks you to provide an assessment of the resources that you will need to use the services you request by checking off the appropriate boxes, unless you are seeking support for basic local and/or long distance telephone service (wireline or wireless) only.

Item (14) – Check this item if you are seeking support for basic local and/or long distance telephone service (wireline or wireless) only. If you check Item (14), you should skip Item (15) and go to Item (16).

Items (15)(a)–(15)(e) – All of the services and facilities listed in Items (15)(a)–(15)(e) are ineligible for support under the universal service discount mechanism. Each of the services and facilities listed, however, is necessary to make effective use of the telecommunications services. Internet access, and internal connections that are eligible for discounts. You do not need to certify that you have already secured all of the resources needed to use your discounted services effectively until you file FCC Form 471, but Items (15)(a)–(15)(e) require you to assess the technologies that you have or will need. You must check off at least one box for each of the Items (15)(a)–(15)(e). You may check off both boxes in each case if both apply. When you file Form 471, which is required to receive discounts, you will need to certify that you have secured or budgeted to secure adequate amounts of those resources to utilize effectively the services requested.

If you are seeking to purchase any of the ineligible services or facilities indicated in Items (15)(a)–(15)(e), you may also provide additional details in Item (15)(f) if you wish to have providers of these desired technologies or services contact you with bids. **If you are purchasing such ineligible services and facilities, however, you should try to do so through contracts separate and apart from those used to purchase services eligible for universal service discounts, to avoid confusion when completing and submitting your Form 471 application for services ordered.**

Item (15)(a) – Indicate whether you have secured or are in the process of securing access to the necessary software for the desktop computers that will use eligible services. For example, computers that will be connected to the Internet will probably need Web browsers. You should note that, although the software for the computers used in classrooms and other endpoints is not eligible for support, the software necessary to operate the networks used to transport information to the classroom is an eligible service.

Item (15)(b) – Confirm that you have or are in the process of securing access to sufficient electrical capacity to handle the computers and other telecommunications-related facilities you will be using to access the discounted services.

Item (15)(c) – Confirm that you have purchased or are arranging to purchase sufficient numbers of computers to use the discounted services effectively. Applicants should note that, as with computer software, while the computers used in classrooms are not eligible for discounts, those used as network file servers would, generally, be eligible for support.

Item (15)(d) – Confirm that you have secured or are in the process of securing appropriate maintenance for your computer hardware that will use eligible services.

Item (15)(e) – Confirm that you have arranged for or are arranging to secure the staff development necessary to use the discounted services effectively.

Item (15)(f) – Use this space to provide additional details to help providers identify the services you desire. Providing this information is optional.

E. Block 4: Recipients of Service

Block 4 requires you to provide information about the entities that will receive the services described in Block 2. This information is required to help service providers understand the scope and location(s) of the services you seek, so that they may respond efficiently and effectively.

Item (16) – Check the one choice – (a), (b), or (c) – that most accurately describes your application and the eligible entities that will receive the services you are seeking in this Form 470, then provide additional information only for the choice you have selected. An entity is an eligible entity if it meets the eligibility criteria for obtaining discounts described in Section II.A. above.

Item (16)(a) – Check this Item if you are an individual school or a single-site library located at the address in Item (1). Checking this box will confirm for potential bidders that all the services you seek will be delivered to this address.

Item (16)(b) – Check this Item if yours is a statewide application representing ALL entities of a particular type in your state. If you check Item (16)(b), you must also check one or more of the three choices provided in this item: all public schools/districts in the state, all non-public schools in the state, and/or all libraries in the state. This will indicate to potential service providers the complete breadth of your service needs. Please note that if your application represents SOME but not ALL of any of these three types of entities, you should NOT check Item (16)(b), but must check and complete Item (16)(c) instead. Indicate by checking “yes” or “no” whether your application includes requests for services for any ineligible entities.

Item (16)(c) – Check this Item if you are a school district, library system, or consortium serving multiple entities. If you check Item (16)(c), you must specify the number of eligible entities that your application represents. You must then list each unique area code represented in the telephone numbers of the entities you represent, plus the three-digit prefixes (the first three digits of the phone number) associated with each area code among the entities you represent. For example, if your school district is in a state which has one statewide area code, you would list that area code once. You would then list each unique three-digit prefix represented among the telephone numbers of the schools and administrative buildings in your district which will receive the service(s) requested in this Form 470. This information helps service providers pinpoint the location of each facility that will be receiving service. Indicate by checking “yes” or “no” whether your application includes requests for services for any ineligible entities.

Item (17) – List here the entity or entities that will be paying bills directly to the service provider for the services requested in this application. Such entities are known as “billed entities,” and are the entities who file Form 471. List these billed entities, whether or not they themselves are eligible for universal service discounts, and provide their Entity Numbers. For example, if you are a consortium of school districts joining together to aggregate demand and thus secure a better price on telecommunications services that each district will then contract for and pay for individually, you will list your member districts and their Entity Numbers in Item (17). As another example, if you are a library whose bills are paid by the municipal government, you should list the municipal government office and its Entity Number. List each entity’s name in the left column, and its Entity Number in the right column. If, however, your application is statewide as indicated in Item (16)(b), then enter only one billed entity from your state. If you need help identifying Entity Numbers for each of these “billed entities,” call the SLD Client Service Bureau at 1-888-203-8100.

Item (18) – List the names of any entities for whom services are requested that are not eligible to receive universal service discounts under the schools and libraries universal service support mechanism. Only eligible schools and libraries may receive discounted services, so if this application includes services for entities such as health care providers, governmental entities, or private sector entities, you must list these entities in Item (18). Skip this item if your application requests services only for eligible entities. For each ineligible entity, provide the area code and three-digit prefix to help service providers pinpoint the entity’s location. If your application is statewide, as indicated in Item (16)(b), only one area code and prefix for each named ineligible entity is required.

F. Block 5: Certifications and Signature

Block 5 requires you to certify certain information to ensure that only eligible entities receive support under the universal service discount mechanism.

Item (19) – Certify that the entities in Item (16) are eligible schools and/or libraries.

Item (19)(a) – If your application includes schools and all of the information in Item (19)(a) is true of those schools seeking to receive discounted services, you should check the box in Item (19)(a). If your application includes schools and any of the information in Item (19)(a) is not true for certain schools seeking to receive discounted services, those ineligible schools are not eligible to receive support under the universal service discount mechanism, and they must be identified in Item 18.

Item (19)(b) – If your application includes libraries or library consortia and all of the information in Item (19)(b) is true of the libraries seeking to receive discounted services, you should check the box in Item (19)(b). If your application includes libraries or library consortia and any of the information is not true for certain libraries or library consortia seeking to receive discounted services, those ineligible libraries or library consortia are not eligible to receive support under the universal service discount mechanism, and they must be identified in Item 18.

Items (20) and (21) concern the technology plans that must be prepared before schools and libraries may receive discounted services under the universal service support mechanism. The only schools and libraries that do not have to comply with the technology plan requirement are those requesting support for basic local and/or long distance telephone service (wireline or wireless) only. Note also that consortia and some other billed entities do not have to be covered by technology plans as long as all of the schools and libraries that they represent are covered by technology plans.

Item (20) – Check the box that best describes the level of technology plan(s) that covers the schools, libraries, and library consortia represented by your application.

- **Item (20)(a)** – Check here if the entities are covered by individual technology plans for the services requested in your application.
- **Item (20)(b)** – Check here if the entities are covered by a higher-level, multi-entity technology plan, such as a school district or library system plan. Statewide technology plans are not acceptable.
- **Item (20)(c)** – Check here if your application is for basic local and/or long distance telephone service (wireline or wireless) only, in which case no technology plan is required.

Item (21) – Check the box that best describes the status of the technology plan(s):

- **Item (21)(a)** – Check here if your plans have been approved. NOTE: Technology plans that have been approved for other purposes, e.g., for participation in Federal or state programs such as the “Enhancing Education through Technology” program, will be accepted without need for further independent approval.
- **Item (21)(b)** – Check here if you are currently seeking approval of your technology plan(s). Please note that the SLD does not review technology plans itself, but does certify authorized reviewers of technology plans. If you need assistance identifying a certified approver for your technology plan, please call the SLD Client Service Bureau at 1-888-203-8100.
- **Item (21)(c)** – Check here if your application is for basic local and/or long distance telephone service (wireline or wireless) only, in which case no technology plan is required.

Item (22) – Certify that services you order pursuant to the universal service discount mechanism will be used solely for educational purposes and that those services will not be sold, resold, or transferred in consideration for money or any other thing of value.

Item (23) – Certify that you recognize that any support received under this support mechanism is conditional upon the ability of your school(s) or library(ies) to secure access to all of the resources, including computers, training, software, maintenance, and electrical connections, necessary to use effectively the services that will be purchased under this mechanism. On FCC Form 471, you will need to certify that you have access to such funding.

Item (24) – Certify that you are the person authorized to submit and certify to the accuracy of this form.

Item (25) requires the signature of the authorized person.

Item (26) requires that the date of the signature of the Form 470 be provided.

Item (27) – Print the name of the authorized person whose signature is provided in Item 25.

Item (28) – Provide the title or position of the authorized person whose signature is provided in Item (25).

Item (29) – Provide the telephone number, including area code, of the authorized person whose signature is provided in Item (25).

For Applicants Filing this Form Electronically:

- When you have completed the electronic filing of Blocks 1-4, please print your application to retain a copy for your records.
- You must also submit the Block 5 certification.
 - If you have a User ID and PIN and wish to electronically submit your Block 5 certification, follow the directions online. When you submit your certification online, you will receive a confirmation so that you can be assured that your submission has met any filing deadlines. If you file online and use electronic certification, do not mail any part of your Form 470 to the SLD. Check the SLD web site for information about obtaining a User ID and a PIN.
 - If you wish to submit the completed and signed Block 5 certification manually, print Block 5 using your browser. When you print Block 5 using the browser, the form will automatically include your Form 470 Application Number, Applicant Name, and Applicant Address. Item (25) requires the signature of the authorized person who will certify to the accuracy of the information on the form. Also, you must complete Items (19)-(24). Mail the signed Block 5 to: **SLD-Form 470, P. O. Box 7026, Lawrence,**

Kansas 66044-7026. For express delivery services or U.S. Postal Service Return Receipt Requested, send to **SLD-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046.** Note: Do not mail the complete Form 470. Mail only the signed Block 5 certification page. If the Block 5 certification is submitted manually, you are advised to keep proof of the date of mailing.

For Applicants Filing this Form Manually:

After the authorized person signs Item (25), check to be certain that all other items—including Items (26)–(29)—are properly completed. Make a copy of your entire form to keep for your records. Then submit your original form by mail to: **SLD-Form 470, P.O. Box 7026, Lawrence, Kansas 66044-7026.** For express delivery or U.S. Postal Service Return Receipt, send to: **SLD-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046,** phone 1-888-203-8100. No Forms 470 will be accepted via e-mail or fax.

V. REMINDERS

- All schools and libraries seeking universal service support for ANY service not covered by a qualified existing contract (i.e., a contract executed pursuant to Form 470 posting in prior program years OR a contract signed on or before July 10, 1997 and identified as pre-existing in a Form 470 filed in prior years) must file Form 470 individually or be included in a consortium that files Form 470. Services that must be represented in an individual or consortium Form 470 in order to qualify for universal service support include: eligible tariffed telecommunications services; month-to-month services provided without a signed, written contract; new services for which a contract is sought; or services provided under a multi-year contract signed on or before July 10, 1997, but not previously identified as an existing contract in a Form 470 filed in a prior program year.
- A Form 470 is NOT required for services covered by a qualified existing contract (i.e., a contract executed pursuant to Form 470 posting in a prior program year OR a contract signed on or before July 10, 1997 and identified as pre-existing in a Form 470 filed in prior years).
- Fill out all applicable items completely. Attach additional pages if necessary. Any attachments to Form 470 should be clearly labeled with your Entity Number, Applicant's Form Identifier, Contact Person Name, and Phone Number.
- If you have a Request for Proposal (RFP) for the services requested in this Form 470—and therefore have checked (a) under Items (8), (9), and/or (10)—your RFP must be available to service providers via a web site or your designated contact person in Item (6) or the contact listed in Item (11) as of the date that this Form 470 is posted on the SLD web site.
- The individual authorized to order telecommunications and other supported services for the school, school district, library, or consortium must sign and date Form 470.
- If you are filing Form 470 electronically, you must also complete and submit the Block 5 certification (whether electronic or paper).